

REMARKS

Claim 1 is amended by adding a heating step prior to the step of decreasing the dissolved oxygen concentration. Thus, the claim now includes heating steps both before and after the step of decreasing the dissolved oxygen concentration. Support is found, for example, at page 13 of the specification. Claims 5 to 10 are amended to correct improper multiple dependencies. No new matter is presented.

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kamiya et al (EP 1 082 907).

Claim 1 is amended herein as mentioned above. Kamiya et al does not disclose, teach or suggest a process which comprises heating prior to decreasing the dissolved oxygen concentration. Thus, the process of the present invention is different from the process of Kamiya et al where the milk or milk product first undergoes nitrogen gas substitution and is then sterilized twice, at 80-90°C and 130°C, respectively (see paragraph 34 of Kamiya et al). For at least this reason, the present invention is not anticipated by Kamiya et al.

Additionally, the processing object in the present invention is different from that of Kamiya et al.

In the present invention, the processing object is butter milk and/or butter serum, while the processing object in Kamiya et al is processed milk, fruit juice, and the like.

In this regard, butter milk and butter serum according to the present invention are by-products of cream or butter, and they are already once subjected to a heat treatment before decreasing the dissolved oxygen concentration when cream or butter is manufactured. On the contrary, processed milk, fruit juice and the like of Kamiya et al are non-sterilized (unheated) before decreasing the dissolved oxygen concentration.

According to the present invention, the effect of improving the flavor of butter milk and butter serum, which are already once subjected to the first heat treatment before decreasing the dissolved oxygen concentration, can be confirmed even after the second heat-treatment (sterilization) performed after decreasing the dissolved oxygen concentration. On the other hand, in Kamiya et al, the effect is merely confirmed after the single heat treatment (sterilization) performed after decreasing the dissolved oxygen concentration.

Furthermore, the present invention, in which the processed object is butter milk or butter serum, has not only an effect of improving flavor, but also an effect of improving stability. In general, the flavor of butter milk and butter serum is deteriorated when they are heated, and the flavor thereof becomes deteriorated more and more when they are stored as they are. On the other hand, according to the present invention, the flavor of butter milk and butter serum is maintained to be good even after storage, and therefore it can be said that the stability is improved as a result. Thus, the present invention is not anticipated nor rendered obvious by Kamiya et al.

Accordingly, Applicants respectfully request withdrawal of the rejection.

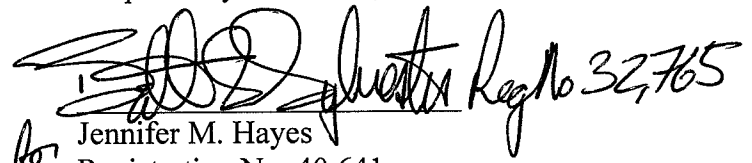
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/538,298

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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